



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274 | (310) 377-1521

Planning Commission

Tuesday, November 18, 2025, 6:30 PM

Regular Meeting
City of Rolling Hills

The meeting agenda is available on the City's website. The Planning Commission meeting will be live-streamed on the City's website. View both the [agenda and the live-streamed video](#).

Members of the public may submit written comments in real-time by [emailing the City Clerk's office](#). Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information that you do not want to be published.

View [recordings to Planning Commission meetings](#) online.

AGENDA

1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. Approve Order of the Agenda

This is the appropriate time for the Mayor or Councilmembers to approve the agenda as is or reorder.

5. Blue Folder Items (Supplemental)

Blue folder (supplemental) items are additional back up materials to administrative reports, changes to the posted agenda packet, and/or public comments received after the printing and distribution of the agenda packet for receive and file.

6. Public Comment on Non-Agenda Items

This is the appropriate time for members of the public to make comments regarding items not listed on this agenda. Pursuant to the Brown Act, no action will take place on any items not on the agenda.

7. Consent Calendar

Business items, except those formally noticed for public hearing, or those pulled for discussion are assigned to the Consent Calendar. The Mayor or any Councilmember may request that any Consent Calendar item(s) be removed, discussed, and acted upon separately. Items removed from the Consent Calendar will be taken up under the "Excluded Consent Calendar" section below. Those items remaining on the Consent Calendar will be approved in one motion. The Mayor will call on anyone wishing to address the City Council on any Consent Calendar item on the agenda, which has not been pulled by Councilmembers for discussion.

7.A. Approve Affidavit of Posting for the Planning Commission Regular Meeting of November 18, 2025

RECOMMENDATION: Approve.

7.B. Approve the Minutes for the October 28, 2025 Planning Commission Meetings

RECOMMENDATION: Approve as presented.

8. Excluded Consent Calendar Items

9. Public Hearings on Items Continued From a Previous Meeting

10. Public Hearings

10.A. Consideration of Recommendation that the City Council adopt an ordinance entitled "An Ordinance of the City Council of the City of Rolling Hills amending Chapter 17.28 of the Rolling Hills Municipal Code relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and finding the action to be Statutorily Exempt from CEQA under Public Resources Code § 21080.17."

RECOMMENDATION: RECOMMENDED ACTION(S):

Open the public hearing, receive public testimony, close the public hearing, and by motion:

1. Find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality Act (CEQA) under Public Resources Code § 21080.17.
2. Adopt a resolution (Attachment 1) recommending that the City Council adopt the proposed ordinance that is attached thereto as Exhibit "A."

11. Discussion Items

12. Scheduled Field Trips

13. Matters From Members of the Planning Commission

14. Matters From Staff

15. Adjournment

Next regular meeting: Tuesday, December 2, 2025 at 6:30 p.m. in the City Council Chamber, Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California, 90274.

Notice:

Documents pertaining to an agenda item received after the posting of the agenda are available for review in the City Clerk's office or at the meeting at which the item will be considered.

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting due to your disability, please contact the City Clerk at (310) 377-1521 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility and accommodation for your review of this agenda and attendance at this meeting.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274 | (310) 377-1521

Item: 7.A.

Meeting Date: 11/18/2025

To: Planning Commission
From: Christian Horvath, Assistant to the City Manager / City Clerk
Thru: Karina Bañales, City Manager
Subject: Approve Affidavit of Posting for the Planning Commission Regular Meeting of November 18, 2025

Background:

None.

Discussion:

None.

Fiscal Impact:

None.

Recommendation:

Approve.

Attachments:

1. CL_AGN_251118_PC_AffidavitofPosting

Administrative Report

7.A., File # 2025-204

Meeting Date: 11/18/2025

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

AFFIDAVIT OF POSTING

In compliance with the Brown Act, the following materials have been posted at the locations below.

Legislative Body Planning Commission

Posting Type	Regular Meeting Agenda
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Posting Location 2 Portuguese Bend Road, Rolling Hills, CA 90274
City Hall Window
City Website: https://www.rolling-hills.org/government/agendas_meetings.php
<https://rollinghillscaportal.civicclerk.com/>

Meeting Date & Time NOVEMBER 18, 2025 6:30pm

As City Clerk of the City of Rolling Hills, I declare under penalty of perjury, the document noted above was posted at the date displayed below.

Christian Horvath, City Clerk

Date: November 14, 2025



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274 | (310) 377-1521

Item: 7.B.

Meeting Date: 11/18/2025

To: Planning Commission
From: Christian Horvath, Assistant to the City Manager / City Clerk
Thru: Karina Bañales, City Manager
Subject: Approve the Minutes for the October 28, 2025 Planning Commission Meetings

Background:

None.

Discussion:

None.

Fiscal Impact:

None.

Recommendation:

Approve as presented.

Attachments:

1. CL_MIN_251028_PC_FT_F
2. CL_MIN_251028_PC_F



Minutes
Rolling Hills Planning Commission
Tuesday, October 28, 2025
Field Trip Meeting 7:30 a.m.
5 Ringbit Rd West

1. Call to Order

The Planning Commission of the City of Rolling Hills met in person at 5 Ringbit Road West on the above date at 7:33 a.m. Chair Chelf presiding.

2. Roll Call

Commissioners Present: Cardenas, Soo, Chair Chelf
Commissioners Absent: Kirkpatrick, Douglass
Staff Present: Reina Schaetzl, Willdan Contract Senior Planner
Benjamin Johnson, Code Compliance Officer/Planning Technician
Karina Banales, City Manager

3. Public Comment on Non-Agenda Items - None

4. Public Hearing Field Trips

4.A. Approve Affidavit of Posting for the Planning Commission Field Trip Meeting of October 28th, 2025

4.B. Zoning Case No. 25-081: Variance requests to construct an attached accessory structure (pergola) in the front yard setback and waive the requirements for a stable and corral set aside area for a property located at 5 Ringbit Road West (Sleep & Collida) (Lot 7-SF).

Public Present: Jim Aichele (14 Crest Road West)
Greg Kirkpatrick (11 Southfield Dr)
Carol Marrone (17 Southfield Dr)
Steve Hosa (Designer)
Susan Sleep (5 Ringbit Rd W.)
Susan Collida (5 Ringbit Rd. W)

Presentation by Willdan Contract Senior Planner Schaetzl

Commissioners and the public walked the site. No decision was made by the Commission and the item was continued to the evening meeting.

At 7:48 a.m. the Commission moved to 3 Outrider Road and reconvened at 8:00 a.m.

4.C. Zoning Case No. 24-162: Site Plan Review for the construction of a new single-family residence with attached garage, non-exempt grading and related improvements; Conditional Use Permit to construct a detached cabana, recreation court, stable, corral and detached trellis and finding the project categorically exempt from the California Environmental Quality Act for location at 80 Saddleback Road (Turpanjian) (LOT 67-RH).

Public Present: Dan Bolton (Engineer - 25834 Narbonne, Lomita)
Shilpa Mehta (Architect)

Joseph Speier (Architect)
Paul Turpanjian (80 Saddleback Rd)
Carol Hoffman (3 Hillside Ln)
Al Serpa (0 Poppy Trail)
Vicki Anakwenze (77 Saddleback)
Jim Aichele (14 Crest Road West)

Presentation by Willdan Contract Senior Planner Schaetzl

Commissioners and the public walked the site. No decision was made by the Commission and the item was continued to the evening meeting.

5. Adjournment: 8:30 a.m.

The meeting was adjourned at 8:30 a.m. to the regular Planning Commission meeting on Tuesday, October 28, 2025, beginning at 6:30 p.m. at 2 Portuguese Bend Road, Rolling Hills, CA 90274.

Respectfully submitted,

Christian Horvath, City Clerk

Approved,

Brad Chelf, Chair



1. Call to Order

The Planning Commission of the City of Rolling Hills met in person on the above date at 6:31 p.m. Chair Chelf presiding.

2. Roll Call

Commissioners Present: Cardenas, Soo, Douglass, Kirkpatrick, Chair Chelf
Commissioners Absent:
Staff Present: Karina Bañales, City Manager
Reina Schaetzel, Willdan Contract Senior Planner
Christian Horvath, Assistant to the City Manager / City Clerk
Michael Ervin, Assistant City Attorney

3. Pledge of Allegiance –City Manager Bañales

4. Approve Order of The Agenda

Chair Chelf approved the Order of the Agenda. Without objection, so ordered.

5. Blue Folder Items (Supplemental) – None

6. Public Comments on Non-Agenda Items – None

7. Consent Calendar

7.A. Approve Affidavit of Posting for the Planning Commission Regular Meeting of October 28, 2025

7.B. Approve the Minutes for the September 16, 2025 Planning Commission Meetings

Motion by Commissioner Cardenas, seconded by Commissioner Douglass to approve the Consent Calendar. Motion carried unanimously with the following vote:

AYES: Cardenas, Soo, Douglass, Kirkpatrick, Chair Chelf
NOES: None
ABSENT: None

8. Excluded Consent Calendar Items – None

9. Public Hearings on Items Continued from Previous Meetings

Commissioners Douglass and Kirkpatrick recused themselves and left the dais at 6:33 p.m.

9.A. Zoning Case No. 25-081: Variance requests to construct an attached accessory structure (pergola) in the front yard setback and waive the requirements for a stable and corral set aside area for a property located at 5 Ringbit Road West (Sleep & Collida) (Lot 7-SF)

Presentation by Willdan Contract Senior Planner Schaetzl

Public Comment: Greg Kirkpatrick, Caol Marrone, Susan Sleep

Motion by Commissioner Cardenas, seconded by Commissioner Soo to Adopt Resolution 2025-09 as presented. Motion carried unanimously with the following vote:

AYES: Cardenas, Soo, Chair Chelf
NOES: None
ABSENT: Douglass, Kirkpatrick

Commissioner Douglass returned to the dais at 6:46 p.m. Commissioner Kirkpatrick remained recused for Item 10A.

10. Public Hearings

10.A. Zoning Case No. 24-162: Site Plan Review for the construction of a new single-family residence with attached garage, non-exempt grading and related improvements; Conditional Use Permit to construct a detached cabana, recreation court, stable, corral and detached trellis and finding the project categorically exempt from the California Environmental Quality Act for location at 80 Saddleback Road (Turpanjian) (LOT 67-RH)

Presentation by Willdan Contract Senior Planner Schaetzl

Public Comment: Joseph Speer, Dan Bolton, Gerald Turpanjian

Motion by Commissioner Cardenas, seconded by Commissioner Douglass to Adopt Resolution 2025-10 as presented. Motion carried unanimously with the following vote:

AYES: Cardenas, Soo, Douglass, Chair Chelf
NOES: None
ABSENT: Kirkpatrick

Commissioner Kirkpatrick returned to the dais at 7:06 p.m.

11. Discussion Items – None

12. Scheduled Field Trips

Willdan Contract Senior Planner Schaetzl announced that 10 Saddleback was a potential scheduled field trip.

13. Items from The Planning Commission – None

14. Items from Staff

City Manager Bañales announced that a phishing email was received by a current planning project applicant that appeared to come from the City with links to click on regarding purported fees. Staff was made aware and informed the community to build awareness.

15. Adjournment: 7:09 p.m.

The meeting was adjourned at 7:09 p.m. to the Planning Commission meeting on Tuesday, November 18, 2025, beginning at 6:30 p.m. at 2 Portuguese Bend Road, Rolling Hills, CA 90274.

Respectfully submitted,

Christian Horvath, City Clerk

Approved,

Brad Chelf, Chair



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

2 PORTUGUESE BEND ROAD, ROLLING HILLS, CA 90274 | (310) 377-1521

Item: 10.A.

Meeting Date: 11/18/2025

To: Planning Commission

From: Michael Ervin, Assistant City Attorney

Thru: Karina Bañales, City Manager

Subject: Consideration of Recommendation that the City Council adopt an ordinance entitled "An Ordinance of the City Council of the City of Rolling Hills amending Chapter 17.28 of the Rolling Hills Municipal Code relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and finding the action to be Statutorily Exempt from CEQA under Public Resources Code § 21080.17."

Background:

In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that impose new limits on local authority to regulate ADUs and JADUs. In late 2025, four new bills were enacted that further amend state ADU law as summarized below.

Discussion:

AB 462 – Coastal Development Permits; Disaster-Affected Areas

AB 462 modifies several permitting requirements associated with processing Coastal Development Permits for ADUs located in the Coastal Zone. Beyond changes to CDP processing, AB 462 modifies the rules governing the issuance of a certificate of occupancy (CofO) for an ADU. Historically, state law has prohibited a local agency from issuing a CofO for an ADU before one is issued for the primary dwelling (i.e., the primary dwelling must have a CofO before the ADU can receive one).

AB 462 creates a narrow exception to this prohibition for detached ADUs when all of the following conditions are satisfied: (1) the Governor has declared a state of emergency for the county on or after February 1, 2025; (2) the primary dwelling was substantially damaged or destroyed by an event referenced in the state of emergency proclamation; and (3) the ADU has been issued construction permits and passed all required inspections. (Gov. Code, § 66328(b).) If these conditions are satisfied, the detached ADU can receive a CofO before the primary dwelling. In all other scenarios, the primary dwelling still needs a CofO before one can be issued for an ADU.

AB 462 was enacted as an urgency measure that *took effect immediately* when signed by the Governor (on October 10, 2025).

The following three bills were enacted as non-urgency measures and take effect on January 1, 2026.

AB 1154 – JADU Owner-Occupancy; Short-Term Rental

When a JADU is developed, existing state law requires a property owner to reside in the JADU or remaining portion of the single-family dwelling. AB 1154 narrows this requirement to now only apply when a JADU shares sanitation facilities (bathroom) with the single-family dwelling. If the JADU has its own bathroom, then the property owner does not have to reside on the property at all. (See amended Gov. Code, § 66333(b).)

AB 1154 also expressly prohibits JADUs from being used as short-term rentals (i.e., rented for a term shorter than 30 days). (See amended Gov. Code, § 66333(g).) The City's ADU ordinance already included this prohibition (as well as prohibiting ADUs from being used as short-term rentals). But now it's required by state law.

SB 9; SB 543 – ADU Ordinance Submittal to HCD; Approval

Under existing law, local agencies are required to submit a copy of their ADU ordinance to the California Department of Housing and Community Development (HCD) within 60 days of adoption.

This year's SB 9^[1] and SB 543 create a penalty for failing to do so by rendering null and void any local ordinance that is not submitted to HCD within 60 days of adoption. (See amended Gov. Code, § 66326(d); new Gov. Code, § 66333.5(d).) The bills further specify that a local ADU ordinance is null and void if HCD issues findings that the ordinance does not comply with state law and the local agency fails to respond to HCD within 30 days. (*Id.*)

SB 543 – ADU Size; Number of ADUs; Impact Fees; Application Timeline

SB 543 makes numerous changes and clarifications to state ADU law, the most notable of which are summarized below.

ADU & JADU Size

Existing law limits the maximum size of a JADU to 500 square feet and prohibits local ADU ordinances from imposing certain development standards that would prevent an ADU created under Government Code section 66314 through 66322 from being at least 800 square feet.

SB 543 amends state ADU law to specify that allowable square footage of an ADU or JADU refers to square footage of "interior livable space." (See amended Gov. Code, § 66313(d), 66321(b)(2).)

Impact Fees

Existing law exempts ADUs that are 750 square feet or smaller from development impacts fees (DIFs).

SB 543 clarifies that DIFs may not be imposed on an ADU that has 750 or fewer square feet of *interior* livable space or on a JADU with 500 or fewer square feet of *interior* livable space.

The bill also exempts an ADU or JADU with fewer than 500 square feet of interior livable space from school impact fees. (See amended Gov. Code, § 66311.5.)

Quantity of ADUs Created Under Government Code Section 66323

Existing state law creates four categories of ADUs that must be approved if they comply with the limited standards provided in Government Code section 66323(a)(1)–(4). These are:

1. A converted ADU and JADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(1));
2. A detached ADU created on a lot with a proposed or existing single-family dwelling (Gov. Code, § 66323(a)(2));
3. Converted ADUs created in an existing multifamily dwelling (Gov. Code, § 66323(a)(3)); and

4. Detached ADUs created on a lot with a proposed or existing multifamily dwelling.

For some time, there has been uncertainty as to whether ADUs created under Government Code section 66323 could be combined. Some practitioners interpreted the statute to not require local agencies to allow combinations. Initially, HCD took the same position, in its 2020 ADU Handbook. But for the last few years, HCD has taken the opposite position: that yes, combinations are permitted. (See HCD January 2025 ADU Handbook, at p. 19 “[P]ursuant to Government Code section 66323, subdivision (a), local governments must allow units created pursuant to subparagraphs (1) and (2) together or (3) and (4) together”].)

SB 543 codifies HCD’s most recent interpretation by amending Government Code section 66323 to specifically allow combinations. Thus, a lot with a multifamily dwelling can now have a converted ADU or ADUs created under section 66323(a)(3) *and* detached ADUs created under section 66323(a)(4). And a lot with a single family dwelling can now have a converted ADU and a JADU created under section 66323(a)(1) *and* a detached ADU created under section 66323(a)(2).

ADU Permitting Process

Existing law has long required local agencies to approve or deny an ADU application within 60 days of receiving a complete application. However, state law was silent with respect to incompleteness determinations, subsequent resubmittals, and appealing local decisions on ADU applications.

SB 543 requires local agencies to now:

1. Determine whether an ADU application is complete within 15 business days of submittal;
2. If the application is incomplete, within the same 15 days provide the applicant with a list of incomplete items and how to address them;
3. Review a resubmitted application for completeness within 15 business days;
4. Provide the applicant with a written appeal process for any incompleteness determination or denial (to the Planning Commission or City Council, or both); and
5. Provide a final written determination on the appeal within 60 business days of receiving the appeal). (See amended Gov. Code, §§ 66317 [ADUs], 66335 [JADUs].)

ENVIRONMENTAL REVIEW:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements state ADU law.

[\[1\]](#) Not to be confused with the SB 9 of 2021 (Stats. 2021, Ch. 162) regarding urban lot splits and second primary dwelling units.

Fiscal Impact:

None

Recommendation:

RECOMMENDED ACTION(S):

Open the public hearing, receive public testimony, close the public hearing, and by motion:

1. Find that the adoption of the proposed ordinance is statutorily exempt from review under the California Environmental Quality Act (CEQA) under Public Resources Code § 21080.17.

2. Adopt a resolution (Attachment 1) recommending that the City Council adopt the proposed ordinance that is attached thereto as Exhibit "A."

Attachments:

1. Attachment 1 - 2025-11_PC_Resolution_ADU_OrdinanceAmendments
2. Attachment 2 - 388_ADU_2025_Ordinance
3. Attachment 3 - 388_ADU_2025_Ordinance_ExhibitB_Redline

RESOLUTION NO. 2025-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2025, the California Legislature approved, and the Governor signed into law, further amendments to state ADU law;

WHEREAS, new updates to state ADU law take effect on January 1, 2026, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the most recent changes to state law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect the most recent changes to state law; and

WHEREAS, on November 18, 2025, the Planning Commission held a duly-noticed public hearing to consider the attached Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

THE PLANNING COMMISSION OF THE CITY OF ROLLING HILLS DOES HEREBY FIND, RESOLVE, AND ORDER AS FOLLOWS:

SECTION 1. Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the Planning Commission.

SECTION 2. CEQA. The Planning Commission recommends that the City Council find that, under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law. Therefore, adoption of the proposed Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 3. General Plan. The Planning Commission hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 4. Recommendation. Given the foregoing, and based on the entire record before the Planning Commission, the Planning Commission hereby recommends that the City Council adopt the Ordinance attached hereto as Exhibit “A.”

SECTION 5. Effective Date. This Resolution takes effect immediately upon adoption.

Section 6. Certification; Records. The City Clerk will attest as to the adoption of this Resolution and cause the same to be maintained in the permanent records of the City.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF NOVEMBER, 2025.

BRAD CHELF, CHAIRPERSON

ATTEST:

CHRISTIAN HORVATH, CITY CLERK

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 17.54.070 of the Rolling Hills Municipal Code and Civil Procedure Section 1094.6.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Resolution No. 2025-11 entitled:

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF ROLLING HILLS, RECOMMENDING THAT THE CITY COUNCIL
ADOPT AN ORDINANCE AMENDING CHAPTER 17.28 OF THE
ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY
DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS,
AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM
CEQA UNDER PUBLIC RESOURCES CODE § 21080.17**

was approved and adopted at a regular meeting of the Planning Commission on
November 18, 2025, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

CHRISTIAN HORVATH, CITY CLERK

Exhibit “A”

Proposed Ordinance

[Attached]

ORDINANCE NO. 388

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 17.28 OF THE ROLLING HILLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

WHEREAS, the City of Rolling Hills, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2025, the California Legislature approved, and the Governor signed into law, further amendments to state ADU law; and

WHEREAS, new updates to state ADU law take effect on January 1, 2026, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the most recent changes to state law; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect the most recent changes to state law; and

WHEREAS, on November 18, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on November 24, 2025, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City’s Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Rolling Hills does ordain as follows:

SECTION 1. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California's ADU law. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 3. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 4. Code Amendment. Chapter 17.28 of the Rolling Hills Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 5. Effective Date. This Ordinance takes effect 30 days after its adoption.

SECTION 6. HCD Submittal. In accordance with Government Code sections 66326 and 66333.5, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 7. Publication. The City Clerk is directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 8. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at Rolling Hills City Hall, 2 Portuguese Bend Road, Rolling Hills, California 90274.

SECTION 9. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

(Continues on next page)

PASSED, APPROVED and ADOPTED this 25th day of November, 2024.

Jeff Pieper, Mayor

ATTEST:

Christian Horvath, City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

Nicolas Papajohn, City Attorney

EXHIBIT A-1
Amended ADU Regulations
(follows this page)

EXHIBIT "A"

Chapter 17.28

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

17.28.010 Purpose.

The purpose of this Chapter is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

17.28.020 Effect of conforming.

An ADU or JADU that conforms to the standards in this Chapter will not be:

- A. Deemed to be inconsistent with the City's general plan and zoning designation for the lot on which the ADU or JADU is located.
- B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- C. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- D. Required to correct a nonconforming zoning condition, as defined in subsection 17.28.030(H) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

17.28.030 Definitions.

As used in this Chapter, terms are defined as follows:

- A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - 1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - 2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
- D. "Efficiency kitchen" means a kitchen that includes all of the following:
 - 1. A cooking facility with appliances.
 - 2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- E. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
 - 1. It is no more than 500 square feet of interior livable space in size.

2. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 5. It includes an efficiency kitchen, as defined in subsection (D) above.
- F. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
 - G. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
 - H. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
 - I. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
 - J. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - K. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - L. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.28.040 Approvals.

- A. The following approvals apply to ADUs and JADUs created under this Chapter:
 1. Ministerial ADU and Building Permits Required. Every ADU and JADU requires an ADU permit and a building permit. The City will review and approve permit applications in accordance with subsection (A)(3) below.
 2. Processing Fee. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU-permit processing fee is determined by the Director of Community Development or other City employee as determined or designated by the City Manager and approved by the City Council by resolution.
 3. Process and Timing.
 - (a) Completeness.
 - (i) Determination in 15 days. The City will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the City receives the application submittal.
 - (ii) Incomplete items. If the City's determination under subsection (A)(3)(a)(i) above is that the application is incomplete, the City's notice must list the incomplete items and describe how the application can be made complete.

- (iii) Cure. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the City to be incomplete.
 - (iv) Subsequent submittals. If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the City will determine in writing whether the additional information remedies all the incomplete items that the City identified in its original notice. The City may not require the application to include an item that was not included in the original notice.
 - (v) Deemed complete. If the City does not make a timely determination as required by this subsection (a), the application or resubmitted application is deemed complete for the purposes of subsection (A)(3)(c) below.
 - (vi) Appeal of incompleteness. An applicant may appeal the City's determination that the application is incomplete by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
- (b) No discretion or hearing. Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.
 - (c) Deadline to approval or deny ministerial approvals. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a complete application. If the City has not approved or denied the complete application within 60 days, the application is deemed approved unless either:
 - (i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
 - (d) Denial. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (A)(3)(c) above.
 - (e) Appeal of denial. An applicant may appeal the City's denial of the application by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
 - (f) Concurrent review of demolition. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

B. Classes.

1. Class 1: Statutorily Regulated. Class 1 ADUs and JADUs are approved under Government Code Section 66323. If an ADU or JADU complies with each of the general requirements in Section 17.28.050, it is allowed in each of the scenarios provided in this subsection (B)(1). An ADU and JADU approved under subsection (B)(1)(a) may be combined with an ADU approved under subsection (B)(1)(b), and ADUs approved under subsection (B)(1)(c) may be combined with ADUs approved under subsection (B)(1)(d).

- (a) Converted on Lot with Single-Family: One ADU as described in this subsection (B)(1)(a) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - (ii) Has exterior access that is independent of that for the single-family dwelling; and
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - (iv) The JADU complies with the requirements of Government Code Sections 66333 through 66339.
 - (b) Limited Detached Lot with Single-Family: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies each of the following limitations:
 - (i) The side- and rear-yard setbacks are at least four feet.
 - (ii) The total floor area is 800 square feet of livable space or smaller.
 - (iii) The peak height above grade does not exceed the applicable height limit in subsection 17.28.050(B) below.
 - (c) Converted on Lot with Multifamily: One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (B)(1)(c), at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to twenty-five percent of the existing multifamily dwelling units.
 - (d) Limited Detached on Lot with Multifamily: No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:
 - (i) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - (ii) The peak height above grade does not exceed the applicable height limit provided in Section 17.28.050(B) below.
 - (iii) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.
2. Class 2: Locally Regulated. Class 2 ADUs are approved under Government Code Sections 66314–66322. Except for Class 1 ADUs approved under subsection (B)(1) above, all ADUs are subject to the standards set forth in Sections 17.28.050 and 17.28.060 below.

17.28.050 General ADU and JADU requirements.

The following requirements apply to all Class 1 and Class 2 ADUs and:

A. Zoning.

- 1. A Class 1 ADU approved under subsection 17.28.040(B)(1) may be created on a lot in a residential or mixed-use zone.

2. A Class 2 ADU approved under subsection 17.28.040(B)(2) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
 3. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.
- B. Height.
1. Except as otherwise provided by subsections (B)(2) and (B)(3) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed sixteen feet in height.
 2. A detached ADU may be up to eighteen feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of twenty feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed eighteen feet in height.
 4. An ADU that is attached to the primary dwelling may not exceed twenty-five feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (B)(4) may not exceed two stories.
 5. For purposes of this subsection (B), height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.
- C. Fire Sprinklers.
1. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.
 2. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- D. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- E. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- F. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten years.
- G. Owner Occupancy.
1. ADUs are not subject to an owner-occupancy requirement.
 2. JADUs.
 - (a) Generally. As required by state law, all JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.
 - (b) Exceptions. The owner-occupancy requirement in this subsection (G)(2) does not apply in either of the following situations:

- (i) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).
 - (ii) The property is entirely owned by another governmental agency, land trust, or housing organization.
- H. Deed Restriction. Prior to issuance of a certificate of occupancy for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director or other City employee as determined or designated by the City Manager. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
 - 1. The JADU may not be sold separately from the primary dwelling.
 - 2. The JADU is restricted to the approved size and to other attributes allowed by this Chapter.
 - 3. The deed restriction runs with the land and may be enforced against future property owners.
 - 4. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director or other City employee as determined or designated by the City Manager, providing evidence that the JADU has in fact been eliminated. The Director or other City employee as determined or designated by the City Manager may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's or other City employee as determined or designated by the City Manager determination consistent with other provisions of this code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
 - 5. The deed restriction is enforceable by the director or other City employee as determined or designated by the City Manager for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.
- I. Building & Safety.
 - 1. Must Comply with Building Code. Subject to subsection (I)(2) below, all ADUs and JADUs must comply with all local building code requirements.
 - 2. No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official or Code Enforcement Officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (I)(2) prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this Chapter.
- J. Certificate of Occupancy Timing.
 - 1. Generally. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.
 - 2. Limited Exception for State-declared Emergencies. Notwithstanding subsection (J)(1) above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:
 - (a) The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.

- (b) The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.
- (c) The ADU has been issued construction permits and has passed all required inspections.
- (d) The ADU is not attached to the primary dwelling.

17.28.060 Specific ADU requirements.

The following requirements apply only to Class 2 ADUs approved under subsection 17.28.040(B)(2) above:

- A. Maximum Size.
 - 1. The maximum size of a detached or attached ADU subject to this Section 17.28.060 is 850 square feet of interior livable space for a studio or one-bedroom unit and 1,000 square feet for a unit of interior livable space with two or more bedrooms.
 - 2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
 - 3. Application of other development standards in this Section 17.28.060, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (A)(2) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.
- B. Floor Area Ratio (FAR). No ADU subject to this Section 17.28.060 may cause the total FAR of the lot to exceed 45 percent, subject to subsection (A)(3) above.
- C. Setbacks.
 - 1. ADUs that are subject to this Section 17.28.060 must conform to four-foot side and rear setbacks.
 - 2. ADUs that are subject to this Section 17.28.060 must conform to 30-foot front setbacks, subject to subsection (A)(3) above.
 - 3. No setback is required for an ADU that is subject to this Section 17.28.060 if the ADU is constructed in the same location and to the same dimensions as an existing structure.
- D. Lot Coverage. No ADU subject to this Section 17.28.060 may cause the total lot coverage of the lot to exceed 50 percent, subject to subsection (A)(3) above.
- E. Minimum Open Space. No ADU subject to this Section 17.28.060 may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection (A)(3) above.
- F. Passageway. No passageway, as defined by Section 17.28.030(I) above, is required for an ADU.
- G. Parking.
 - 1. Generally. One off-street parking space is required for each ADU or bedroom, whichever is less. The parking space may be provided in setback areas or as tandem parking, as defined by subsection 17.28.030(L).
 - 2. Exceptions. No parking under subsection (G)(1) is required in the following situations:
 - (a) The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.28.030(K).
 - (b) The ADU is located within an architecturally and historically significant historic district.
 - (c) The ADU is part of the proposed or existing primary residence or an accessory structure.
 - (d) When on-street parking permits are required but not offered to the occupant of the ADU.

- (e) When there is an established car share vehicle stop located within one block of the ADU.
 - (f) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (G)(2)(a) through (e) above.
- 3. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- H. Architectural Requirements.
 - 1. The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.
 - 2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
 - 3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
 - 4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
 - 5. The interior horizontal dimensions of an ADU must be at least ten feet wide in every direction, with a minimum interior wall height of seven feet.
 - 6. No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.
 - 7. All windows and doors in an ADU less than thirty feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- I. Historical Protections. An ADU that is on or within six hundred feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.
- J. Allowed Stories. No ADU subject to this Section 17.28.060 may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subsection 17.28.050(B)(4).

17.28.070 Fees.

The following requirements apply to all Class 1 ADUs and JADUs and Class 2 ADUs that are approved under subsections 17.28.040(B)(1) or 17.28.040(B)(2) above.

- A. Impact Fees.
 - 1. No impact fee is required for a JADU or for an ADU that is less than 750 square feet of interior livable space in size. For purposes of this subsection (A), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.
 - 2. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code Section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code section 17620.
 - 3. Any impact fee that is required for an ADU that has 750 square feet or more of interior livable space must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. Utility Fees.

1. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
2. Except as described in subsection (B)(1), JADUs and converted ADUs on a single-family lot that are created under subsection (B)(1)(a) are not required to have a new or separate utility connection directly between the JADU or ADU and the utility. Nor is a connection fee or capacity charge required. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this code.
3. Except as described in subsection (B)(1), all ADUs that are not covered by subsection (B)(2), require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the City. All utilities that are not provided by the City are subject to the connection and fee requirements of the utility provider.
 - (a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - (b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

17.28.080 Nonconforming zoning code conditions, building code violations, and unpermitted structures.

- A. Generally. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- B. Unpermitted ADUs and JADUs constructed before 2020.
 1. Permit to Legalize. As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - (a) The ADU or JADU violates applicable building standards, or
 - (b) The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (Chapter 17.28).
 2. Exceptions:
 - (a) Notwithstanding subsection (B)(1), the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.
 - (b) Subsection (B)(1) does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

17.28.090 Nonconforming ADUs and discretionary approval.

Any proposed ADU or JADU that would otherwise be allowed under this Chapter but that does not conform to the objective design or development standards set forth in Section 17.28.010 through 17.28.080 of this Chapter may be allowed by the City with a conditional use permit, in accordance with the other provisions of this title.

17.28.100 Parcels Created Under Government Code Section 66499.41.

Notwithstanding anything to the contrary set forth in this Chapter, no ADU or JADU may be created on a parcel resulting from a subdivision under Government Code section 66499.41. (Gov. Code, § 66499.41(g).)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I, Christian Horvath, City Clerk of the City of Rolling Hills, California, do hereby certify that the foregoing Ordinance No. 388 was adopted at a regular meeting of the City Council of the City of Rolling Hills held on the 18th day of November, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christian Horvath
City Clerk

EXHIBIT "B"

Chapter 17.28

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

(Note: additions are noted in underline, and deletions in ~~striketrough~~)

Sections:

17.28.010 Purpose.

The purpose of this ~~Chapter section~~ is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

17.28.020 Effect of conforming.

An ADU or JADU that conforms to the standards in this ~~Chapter section~~ will not be:

- A. Deemed to be inconsistent with the City's general plan and zoning designation for the lot on which the ADU or JADU is located.
- B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- C. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- D. Required to correct a nonconforming zoning condition, as defined in subsection 17.28.030(H) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code ~~section~~Section 17980.12.

17.28.030 Definitions.

As used in this ~~Chapter section~~, terms are defined as follows:

- A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - 1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - 2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
- D. "Efficiency kitchen" means a kitchen that includes all of the following:
 - 1. A cooking facility with appliances.
 - 2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- E. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
 - 1. It is no more than ~~five hundred~~ 500 square feet of interior livable space in size.

-
2. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 5. It includes an efficiency kitchen, as defined in subsection ~~17.28.030~~ (D) above.
- F. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- G. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- H. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- I. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- J. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- K. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- L. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.28.040 Approvals.

- A. The following approvals apply to ADUs and JADUs created under this ~~Chapter~~section:
1. Ministerial ADU and Building Permits Required. Every ADU and JADU requires an ADU permit and a building permit. The City will review and approve permit applications in accordance with subsection (A)(3) below.
 2. Processing Fee. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU-permit processing fee is determined by the Director of Community Development or other City employee as determined or designated by the City Manager and approved by the City Council by resolution.
 3. Process and Timing.
 - (a) Completeness.
 - (i) Determination in 15 days. The City will determine whether an application to create or serve an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the City receives the application submittal.
 - (ii) Incomplete items. If the City's determination under subsection (A)(3)(a)(i) above is that the application is incomplete, the City's notice must list the incomplete items and describe how the application can be made complete.

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- (iii) Cure. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the City to be incomplete.
 - (iv) Subsequent submittals. If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal the City will determine in writing whether the additional information remedies all the incomplete items that the City identified in its original notice. The City may not require the application to include an item that was not included in the original notice.
 - (v) Deemed complete. If the City does not make a timely determination as required by this subsection (a), the application or resubmitted application is deemed complete for the purposes of subsection (A)(3)(c) below.
 - (vi) Appeal of incompleteness. An applicant may appeal the City's determination that the application is incomplete by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
 - (b) No discretion or hearing. Ministerial permits for an ADU or JADU are considered and approved without discretionary review or a hearing.
 - (c) Deadline to approval or deny ministerial approvals. The City must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a complete application. If the City has not approved or denied the complete application within 60 days, the application is deemed approved unless either:
 - (i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
 - (d) Denial. If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (A)(3)(c) above.
 - (e) Appeal of denial. An applicant may appeal the City's denial of the application by submitting a written appeal to the City Clerk. The Planning Commission will review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal.
 - (f) Concurrent review of demolition. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

B. Classes.

1. Class 1: Statutorily Regulated. Class 1 ADUs and JADUs are approved under Government Code Section 66323. If an ADU or JADU complies with each of the general requirements in Section 17.28.050, it is allowed in each of the scenarios provided in this subsection (B)(1). An ADU and JADU approved under subsection (B)(1)(a) may be combined with an ADU approved under subsection (B)(1)(b), and ADUs approved under subsection (B)(1)(c) may be combined with ADUs approved under subsection (B)(1)(d).

A. ~~Building Permit Only. If an ADU or JADU complies with each of the general requirements in Section 17.28.050 below, it is allowed with only a building permit in the following scenarios:~~

- ~~1.(a)~~ Converted on Single-family Lot with Single-Family: One ADU as described in this subsection ~~(A)(1)(B)(1)(a)~~ and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - ~~(a)(i)~~ (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to ~~one hundred fifty~~ 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - ~~(b)(ii)~~ (ii) Has exterior access that is independent of that for the single-family dwelling; and
 - ~~(c)(iii)~~ (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - ~~(d)(iv)~~ (iv) The JADU complies with the requirements of Government Code ~~sections~~ Sections 66333 through 66339.
- ~~2.(b)~~ Limited Detached on Single-family Lot with Single-Family: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling ~~(in addition to any JADU that might otherwise be established on the lot under subsection (A)(1) above)~~, if the detached ADU satisfies each of the following limitations:
 - ~~(a)(i)~~ (i) The side- and rear-yard setbacks are at least four feet.
 - ~~(b)(ii)~~ (ii) The total floor area is ~~eight hundred~~ 800 square feet of livable space or smaller.
 - ~~(c)(iii)~~ (iii) The peak height above grade does not exceed the applicable height limit in subsection 17.28.050(B) below.
- ~~3.(c)~~ Converted on Multifamily Lot with Multifamily: One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection ~~(A)(3)(B)(1)(c)~~, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to twenty-five percent of the existing multifamily dwelling units.
- ~~4.(d)~~ Limited Detached on Multifamily Lot with Multifamily: No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:
 - ~~(a)(i)~~ (i) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - ~~(b)(ii)~~ (ii) The peak height above grade does not exceed the applicable height limit provided in ~~subsection~~ Section 17.28.050(B) below.
 - ~~(c)(iii)~~ (iii) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

2. Class 2: Locally Regulated. Class 2 ADUs are approved under Government Code Sections 66314–66322. Except for Class 1 ADUs approved under subsection (B)(1) above, all ADUs are subject to the standards set forth in Sections 17.28.050 and 17.28.060 below.

B. ~~ADU Permit.~~

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1. ~~Except as allowed under subsection 17.28.040(A) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Sections 17.28.050 and 17.28.060 below.~~
 2. ~~The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance. The ADU permit processing fee is determined by the Director of Community Development or other City employee as determined or designated by the City Manager and approved by the City Council by resolution.~~

C. ~~Process and Timing.~~

1. ~~An ADU permit is considered and approved ministerially, without discretionary review or a hearing.~~
2. ~~The City must approve or deny an application to create an ADU or JADU within sixty days from the date that the City receives a completed application. If the City has not approved or denied the completed application within sixty days, the application is deemed approved unless either:~~
 - (a) ~~The applicant requests a delay, in which case the sixty-day time period is tolled for the period of the requested delay, or~~
 - (b) ~~When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.~~
3. ~~If the City denies an application to create an ADU or JADU, the City must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the sixty-day time period established by subsection 17.28.040(C)(2) above.~~
4. ~~A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.~~

17.28.050 General ADU and JADU requirements.

The following requirements apply to all Class 1 and Class 2 ADUs and JADUs ~~that are approved under subsections 17.28.040 (A) or (B) above:~~

A. Zoning.

1. ~~An~~ A Class 1 ADU subject only to a building permit approved under subsection 17.28.040(A)(B)(1) ~~above~~ may be created on a lot in a residential or mixed-use zone.
2. ~~An~~ A Class 2 ADU subject to an ADU permit approved under subsection 17.28.040(B)(2) ~~above~~ may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
3. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

B. Height.

1. Except as otherwise provided by subsections (B)(2) and (B)(3) below, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling unit may not exceed sixteen feet in height.

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2. A detached ADU may be up to eighteen feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of twenty feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
 3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed eighteen feet in height.
 4. An ADU that is attached to the primary dwelling may not exceed twenty-five feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (B)(4) may not exceed two stories.
 5. For purposes of this subsection (B), height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.
- C. Fire Sprinklers.
1. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence.
 2. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- D. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30~~thirty~~ days. This prohibition applies regardless of when the ADU or JADU was created.
- E. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- F. Septic System. If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last ten years.
- G. Owner Occupancy.
1. ADUs ~~created under this section on or after January 1, 2020~~ are not subject to an owner-occupancy requirement.
 2. JADUs.
 - (a) Generally. As required by state law, ~~all~~ JADUs are generally subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. ~~However, the owner-occupancy requirement in this subsection (G)(2) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.~~
 - (b) Exceptions. The owner-occupancy requirement in this subsection (G)(2) does not apply in either of the following situations:
 - (i) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).
 - (ii) The property is entirely owned by another governmental agency, land trust, or housing organization.

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- H. Deed Restriction. Prior to issuance of a certificate of occupancy for an ADU or a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director or other City employee as determined or designated by the City Manager. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:
1. ~~Except as otherwise provided in Government Code Section 66341, the ADU or The~~ JADU may not be sold separately from the primary dwelling.
 2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this ~~section~~ Chapter.
 3. The deed restriction runs with the land and may be enforced against future property owners.
 4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director or other City employee as determined or designated by the City Manager, providing evidence that the ADU or JADU has in fact been eliminated. The Director or other City employee as determined or designated by the City Manager may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's or other City employee as determined or designated by the City Manager determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
 5. The deed restriction is enforceable by the director or other City employee as determined or designated by the City Manager for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- ~~I. Occupancy Reporting. With a building permit application, the applicant must provide the City the applicant's intention regarding the occupancy plans for the ADU or JADU. Within ninety days after each January 1 following issuance of the building permit, the owner must report whether or not the ADU or JADU was occupied by a tenant during the prior year.~~
- IJ. Building & Safety.
1. Must Comply with Building Code. Subject to subsection ~~(J)(2)(I)(2)~~ below, all ADUs and JADUs must comply with all local building code requirements.
 2. No Change of Occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official or Code Enforcement Officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection ~~(J)(2)(I)(2)~~ prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this ~~section~~ Chapter.
- J. Certificate of Occupancy Timing.
1. Generally. No certificate of occupancy for an ADU or JADU may be issued before the certificate of occupancy is issued for the primary dwelling unit.
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2. Limited Exception for State-declared Emergencies. Notwithstanding subsection (J)(1) above, a certificate of occupancy for an ADU may be issued before a certificate of occupancy for the primary dwelling if each of the following requirements are met:
- (a) The county is subject to a proclamation of a state of emergency made by the California Governor on or after February 1, 2025.
 - (b) The primary dwelling was substantially damaged or destroyed by an event referenced in the Governor's state of emergency proclamation.
 - (c) The ADU has been issued construction permits and has passed all required inspections.
 - (d) The ADU is not attached to the primary dwelling.

17.28.060 Specific ADU requirements.

The following requirements apply only to Class 2 ADUs that require an ADU permit approved under subsection 17.28.040(B)(2) above:

- A. Maximum Size.
 - 1. The maximum size of a detached or attached ADU subject to this Section 17.28.060 is ~~eight hundred fifty~~ 850 square feet of interior livable space for a studio or one-bedroom unit and ~~1,000 one thousand~~ square feet for a unit of interior livable space with two or more bedrooms.
 - 2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to ~~50~~ fifty percent of the floor area of the existing primary dwelling.
 - 3. Application of other development standards in this Section 17.28.060, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (A)(2) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than ~~eight hundred~~ 800 square feet.
- B. Floor Area Ratio (FAR). No ADU subject to this Section 17.28.060 may cause the total FAR of the lot to exceed ~~forty-five~~ 45 percent, subject to subsection (A)(3) above.
- C. Setbacks.
 - 1. ADUs that are subject to this Section 17.28.060 must conform to four-foot side and rear setbacks.
 - 2. ADUs that are subject to this Section 17.28.060 must conform to ~~30~~ thirty-foot front setbacks, subject to subsection (A)(3) above.
 - 3. No setback is required for an ADU that is subject to this Section 17.28.060 if the ADU is constructed in the same location and to the same dimensions as an existing structure.
- D. Lot Coverage. No ADU subject to this Section 17.28.060 may cause the total lot coverage of the lot to exceed ~~fifty~~ 50 percent, subject to subsection (A)(3) above.
- E. Minimum Open Space. No ADU subject to this Section 17.28.060 may cause the total percentage of open space of the lot to fall below ~~fifty~~ 50 percent, subject to subsection (A)(3) above.
- F. Passageway. No passageway, as defined by Section 17.28.030(I) above, is required for an ADU.
- G. Parking.
 - 1. Generally. One off-street parking space is required for each ADU or bedroom, whichever is less. The parking space may be provided in setback areas or as tandem parking, as defined by subsection Section 17.28.030(L) above.
 - 2. Exceptions. No parking under subsection ~~17.28.060~~ (G)(1) is required in the following situations:

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- (a) The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.28.030(K) ~~above~~.
 - (b) The ADU is located within an architecturally and historically significant historic district.
 - (c) The ADU is part of the proposed or existing primary residence or an accessory structure ~~under subsection 17.28.040(A)(1) above~~.
 - (d) When on-street parking permits are required but not offered to the occupant of the ADU.
 - (e) When there is an established car share vehicle stop located within one block of the ADU.
 - (f) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (G)(2)(a) through (e) above.
3. No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
- H. Architectural Requirements.
- 1. The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.
 - 2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
 - 3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
 - 4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
 - 5. The interior horizontal dimensions of an ADU must be at least ten feet wide in every direction, with a minimum interior wall height of seven feet.
 - 6. No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.
 - 7. All windows and doors in an ADU less than thirty feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- I. Historical Protections. An ADU that is on or within six hundred feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.
- J. Allowed Stories. No ADU subject to this Section 17.28.060 may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subsection 17.28.050(B)(4).

17.28.070 Fees.

The following requirements apply to all Class 1 ADUs and JADUs and Class 2 ADUs that are approved under subsections ~~17.28.040(A)(B)(1)~~ or 17.28.040(B)(2) above.

A. Impact Fees.

- 1. No impact fee is required for a JADU or for an ADU that is less than seven hundred fifty 750 square feet of interior livable space in size. For purposes of this ~~Section~~ subsection 17.28.070(A), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act

(Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

2. A JADU or ADU with less than 500 square feet of interior livable space does not increase assessable space by 500 square feet for purposes of Education Code Section 17620(a)(1)(C), and is therefore not subject to school fees under Education Code section 17620.
23. Any impact fee that is required for an ADU that ~~is has seven hundred fifty~~ 750 square feet or larger in size ~~more of interior livable space~~ must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. Utility Fees.

1. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
2. Except as described in subsection ~~17-28.070~~(B)(1), JADUs and converted ADUs on a single-family lot that are created under subsection (B)(1)(a) are not required to have a new or separate utility connection directly between the JADU or ADU and the utility. Nor is a connection fee or capacity charge required. Notwithstanding the rest of this paragraph, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this code.
3. Except as described in subsection ~~17-28.070~~(B)(1), all ADUs that are not covered by subsection ~~17-28.070~~(B)(2), require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the City. All utilities that are not provided by the City are subject to the connection and fee requirements of the utility provider.
 - (a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - (b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

17.28.080 Nonconforming zoning code conditions, building code violations, and unpermitted structures.

- A. Generally. The City will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- B. Unpermitted ADUs and JADUs constructed before 2020.
 1. Permit to Legalize. As required by state law, the City may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - (a) The ADU or JADU violates applicable building standards, or
 - (b) The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (Chapter 17.28).
 2. Exceptions:
 - (a) Notwithstanding subsection ~~17-28.080~~(B)(1), the City may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a

finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.

- (b) Subsection ~~17.28.080~~(B)(1) does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

17.28.090 Nonconforming ADUs and discretionary approval.

Any proposed ADU or JADU that would otherwise be allowed under this ~~section~~ Chapter but that does not conform to the objective design or development standards set forth in Section 17.28.010 through 17.28.080 of this ~~chapter~~ Chapter may be allowed by the City with a conditional use permit, in accordance with the other provisions of this title.

17.28.100 Parcels Created Under Government Code Section 66499.41.

Notwithstanding anything to the contrary set forth in this Chapter, no ADU or JADU may be created on a parcel resulting from a subdivision under Government Code section 66499.41. (Gov. Code, § 66499.41(g).)